HN

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,144	12/20/2001	Patrice Roussel	10559-644001 / P12488	3547

20985 7590 06/15/2005

FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

EXAMINER	
MEONSKE, TONIA L	
ART UNIT	**PAPER NUMBER**
2183	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,144	ROUSSEL, PATRICE	
	Examiner	Art Unit	
	Tonia L. Meonske	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-23 and 73-82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-23 and 73-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19 and 77 are objected to under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Referring to claim 19, in line 4, the limitation "the 2N-bit wide first extended multimedia destination register" lacks an antecedent basis.

4. Referring to claim 77, in lines 9 and 10, the limitation "the destination register" lacks an antecedent basis.

5. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 19 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sidwell et al., European Patent Application EP 0 743 594 A1, cited on the information disclosure statement filed on June 9, 2003 (herein after Sidwell).

8. Referring to claim 19, Sidwell has taught a method executed in a processor comprising:

a. loading a first number N of bits from a second extended multimedia register into a lower half of a 2N wide-bit first extended multimedia register and in a upper half of the 2N-bit wide first extended multimedia destination register (Figure 6, page 5, line 44-page 6, line 14, page 11, lines 19-27).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 20-23 and 73-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sidwell et al., European Patent Application EP 0 743 594 A1, cited on the information disclosure statement filed on June 9, 2003 (herein after Sidwell).

11. Referring to claim 20, Sidwell has taught the method of claim 19, as described above, in which the second extended multimedia register is a memory location (Figure 6, element 104). Sidwell has not have specifically taught in which N is 64 bits. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have N be 64-bits, since it has been held that a change in size is not a patentable difference. See In re Rose, 220 F.2d 459, 463, 105 USPQ 237, 240 (CCPA 1955).

12. Referring to claim 21, Sidwell has taught the method of claim 20, as described above. Sidwell has not specifically taught in which the memory location contains a double floating point data type. However the difference is only found in the nonfunctional descriptive material and is

not functionally involved in the steps recited. The loading would be performed the same regardless of the data. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983)l In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

13. Referring to claim 22, Sidwell has taught the instruction of claim 19, as described above. Sidwell has not specifically taught in which the second extended multimedia register is a 128-bit source register (Figure 6, element 104). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the second extended multimedia register be 128-bits, since it has been held that a change in size is not a patentable difference. See In re Rose, 220 F.2d 459, 463, 105 USPQ 237, 240 (CCPA 1955).

14. Sidwell has also not taught N is 64 bits. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have N be 64-bits, since it has been held that a change in size is not a patentable difference. See In re Rose, 220 F.2d 459, 463, 105 USPQ 237, 240 (CCPA 1955).

15. Claim 23 is rejected for the same reasons as claim 21.

16. Referring to claim 73, Sidwell has taught a processor comprising:

a. basic program registers (Figure 1, element 12);

b. an address space (Figure 1, page 3);

c. a first extended multimedia register (Figure 6, element 104, SRC1);

d. a second extended multimedia register (Figure 6, element 112, RESULT); and

e. logic to load a first portion of bits of the second extended multimedia register into a first portion of the first extended multimedia register and duplicate the first portion of

bits in a subsequent portion of the first extended multimedia register (page 5, line 44-page 6, line 14, page 11, lines 19-27).

2. Sidwell has not specifically taught registers that are labeled floating point unit and single instruction multiple data extension registers. However, these differences are found only in the nonfunctional descriptive material. This descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see in re Gulack, 703 F .2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F .3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

3. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the registers be any type of registers because merely labeling the registers differently from that in the prior art would have been obvious. See Gulack cited above.

4. Referring to claim 74, Sidwell has taught the instruction of claim 73, as described above. Sidwell has not have specifically taught in which the first portion of the second extended multimedia register is 64-bits. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the second extended multimedia register of Sidwell be 64-bits, since it has been held that a change in size is not a patentable difference. See In re Rose, 220 F.2d 459, 463, 105 USPQ 237, 240 (CCPA 1955).

5. Furthermore Sidwell has not taught the second extended multimedia register represents a double floating point data type. However the difference is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The loading would be performed the same regardless of the data. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381,

1385, 217 USPQ 401, 404 (Fed. Cir. 1983)l In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

6. Claim 75 is rejected for the same reasons as set forth in claim 74.

7. Referring to claim 76, Sidwell has taught the instruction of claim 73, as described above. Sidwell has not specifically taught in which the first portion of the first extended multimedia register is loaded with bits [63-0] of the first portion of the second extended multimedia register and the subsequent portion of the first extended multimedia register is loaded with bits [63-0] of the first portion of the second extended multimedia register. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the first portion of the first extended multimedia register loaded with bits [63-0] of the first portion of the second extended multimedia register and the subsequent portion of the first extended multimedia register loaded with bits [63-0] of the first portion of the second extended multimedia register, since it has been held that a change in size is not a patentable difference. See In re Rose, 220 F.2d 459, 463, 105 USPQ 237, 240 (CCPA 1955).

8. Claim 77 is rejected for the same reasons as set forth in claim 73,

9. Referring to claim 78, Sidwell has taught the processor of claim 77, as described above, in which the logic comprises: a source operand (Figure 6, page 5, line 44-page 6, line 14, element 104); and a destination operand (Figure 6, page 5, line 44-page 6, line 14, element 112).

10. Referring to claim 79, Sidwell has taught the processor of claim 78, as described above, and in which the source operand is a memory location (Figure 6, page 5, line 44-page 6, line 14, element 104).

11. Referring to claim 80, Sidwell has taught the processor of claim 79, as described above. Sidwell has not specifically taught in which the memory location has a 128-bit value. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the memory location have a 128-bit value, since it has been held that a change in size is not a patentable difference. See In re Rose, 220 F.2d 459, 463, 105 USPQ 237, 240 (CCPA 1955).

12. Furthermore, Sidwell has not taught in which the memory location bit value represents a double floating point data type. However the difference is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The loading would be performed the same regardless of the data. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

13. Referring to claim 81, Sidwell has taught the processor of claim 79, as described above, and wherein the source operand is in a register (Figure 6, element 104). Sidwell has not specifically taught in which the source operand is a 128-bit source register. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the source register be 128-bits, since it has been held that a change in size is not a patentable difference. See In re Rose, 220 F.2d 459, 463, 105 USPQ 237, 240 (CCPA 1955).

14. Referring to claim 82, Sidwell has taught the instruction of claim 81, as described above. Sidwell has not specifically taught in which the source register has a 128-bit value that represents a double floating point data type. However the difference is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The move and duplicate

instruction would be performed the same regardless of the data. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Response to Arguments

15. Applicant's arguments with respect to claims 19-23 and 73-82 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L. Meonske whose telephone number is (571) 272-4170. The examiner can normally be reached on Monday-Friday, 8-4:30.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie P. Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tlm

EDDIE CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100